

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ZAKEE SHAKIR,

Plaintiff,

V.

RICHARD ADAMS, *et al.*,

Defendants.

Case No. C18-1333 RSL-MLP

**ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

Having reviewed the Report and Recommendation of the Honorable Michelle L.

Peterson, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:

- (1) The Court ADOPTS the Report and Recommendation.¹
- (2) Defendants' motion for summary judgment (dkt. # 30) is GRANTED and this action is DISMISSED with prejudice.

¹ Abstention under the *Younger* doctrine is appropriate in this case because the parallel, pending state proceeding is, as the Magistrate Judge recognized, a criminal prosecution. State criminal prosecutions are one of the three exceptional circumstances in which the prospect of undue interference with state proceedings counsels against federal interference. See *New Orleans Pub. Serv., Inc. v. Council of the City of New Orleans*, 451 U.S. 350, 367-68 (9th Cir. 1989). The specific criteria mentioned by the Magistrate Judge at page 5 of the Report and Recommendation, standing alone, are too broad in that they “would extend *Younger* to virtually all parallel state and federal proceedings . . . where a party could identify a plausibly important state interest.” *Sprint Commc’ns, Inc. v. Jacobs*, 571 U.S. 69, 81 (2013). Clarifying *Younger*’s scope, the Supreme Court has instructed that these criteria, while not dispositive, should be considered as “additional factors” in determining the appropriateness of abstention in cases where the parallel proceedings are civil. *Id.*

The Clerk is directed to send copies of this Order to the parties and to Judge Peterson.

Dated this 18th day of June, 2019.

Mr S Lasnik
ROBERT S. LASNIK
United States District Judge